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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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9 EDWARDS LIFESCIENCES LLC ET AL,

10 Plaintiff,

No. C 03-03817 JSW

11 v.

**ORDER RESERVING APPROVAL
OF SUPPLEMENTAL
STIPULATED PROTECTIVE
ORDER PENDING FURTHER
SUBMISSION**

12 MEDTRONIC, INC. ET AL,

13 Defendant.

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15 The Court has received the parties' joint Supplemental Stipulated Protective Order,
16 which seeks to supplement the existing Stipulated Protective Order to address information
17 protected by the Health Insurance Portability And Accountability Act of 1996 ("HIPAA"). 45
18 C.F.R. § 164.512 notes that "a qualified protective order means, with respect to protected health
United States District Court
19 information ... an order of the court ... that ... [r]equires the return to the covered entity or
20 destruction of the protected health information (*including all copies made*) at the end of the
21 litigation or proceedings."

22 However, paragraph 11 of the parties' supplemental stipulated protective order permits
23 the parties to retain materials that contain information protected under HIPAA, which would
24 conflict with the plain language of 45 C.F.R. § 164.512. Accordingly, the Court HEREBY
25 ORDERS the parties to submit a joint statement setting forth their position as to why paragraph
26 11 comports with the requirements of HIPPA. Such statement shall be due to the Court on or
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1 before February 2, 2007.

2 **IT IS SO ORDERED.**

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4 Dated: January 25, 2007

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Jeffrey S. White
JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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United States District Court

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